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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17
18 ZYNGA GAME NETWORK INC.,

19 Plaintiff,

20 v.

21 GREEN PATCH, INC.,

22 Defendant.

CASE NO. CV 09-3636-SC (EMC)

**STIPULATION AND [PROPOSED]
ORDER TO SHORTEN TIME RE:
DEFENDANT GREEN PATCH, INC.'S
MOTION PURSUANT TO RULE 56(f) TO
DENY AND/OR CONTINUE PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Honorable Samuel Conti
United States District Judge

TRIAL DATE: December 6, 2010

STIPULATION

Pursuant to Local Rule 6-2, Plaintiff Zynga Game Network Inc. ("Plaintiff") and Defendant Green Patch, Inc. ("Defendant"), by and through their respective counsel of record, hereby stipulate and move this Court for an order shortening time to brief and hear Defendant's Rule 56(f) Motion to Deny Plaintiff's Motion for Partial Summary Judgment Motion, or Alternatively, to Continue Hearing ("Rule 56(f) Motion") (D.N. 142). On October 1, 2010, Plaintiff filed a Motion for Partial Summary Judgment of Copyright Infringement and Entitlement to Statutory Damages Relating to *FarmVille* ("Summary Judgment Motion") with a noticed hearing date of November 5, 2010. In response to Plaintiff's summary judgment motion, Defendant has filed an opposition and a motion pursuant to Rule 56(f) of the Federal Rules of Civil Procedure asserting that Green Patch cannot fully present all the facts essential to its opposition to Plaintiff's Summary Judgment Motion due to Plaintiff's refusal to provide complete discovery.

Zynga opposes Green Patch's Rule 56(f) motion and request and objects to the filing of a separate Rule 56(f) Motion as procedurally improper and an improper effort by Green Patch to acquire additional pages of briefing to oppose Zynga's Motion For Partial Summary Judgment.

The parties request that the Court hear Defendant's Rule 56(f) Motion on shortened time so that it may be fairly and expediently resolved at the noticed November 5, 2010 hearing date of Plaintiff's Summary Judgment Motion.

There have been eight prior time modifications in this case, four of which shortened the times for resolving other motions, one that continued the ADR deadline, one that extended a deadline for Green Patch's compliance with an order of this Court, and one by stipulation of the parties to allow the progress of settlement negotiations.

The relief requested by this Stipulation will not require any alteration of the schedule in this case.

The parties have stipulated to the following schedule for briefing and hearing the above-referenced motion:

1. Opposition due October 25, 2010;
2. Hearing on November 5, 2010 at 10:00 a.m.

Defendant has agreed to waive its right to file a reply brief.

DATED: October 26, 2010

MUNGER, TOLLES & OLSON LLP

By: s/Miriam Kim
MIRIAM KIM

Attorneys for Defendant
GREEN PATCH, INC.

DATED: October 26, 2010

QUINN EMANUEL URQUHART &
SULLIVAN LLP

By: s/Gabriel S. Gross
GABRIEL S. GROSS

Attorneys for Plaintiff
ZYNGA GAME NETWORK INC.

ORDER

It is hereby ORDERED that Defendant's Rule 56(f) Motion will be heard on November 5, 2010 at 10:00 a.m. Plaintiff's Opposition is due Friday October 29, 2010 no later than 12:00 noon. The Opposition shall not exceed five (5) pages. There shall be no Reply brief.

DATED: October 27, 2010

By: 
Honorable Samuel Conti
Senior Judge, United States District Court